

December 19, 2012

Via Electronic Comment Filing System

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20544

Re: In the Matter of Entercom Communications Corp., Petition to Amend
Section 73.1216 Licensee-Conducted Contests
RM No. 11684

The Ohio Association of Broadcasters ("OAB"), respectfully submits these comments in response to the Commission's *Public Notice* seeking comments regarding the Petition for Rulemaking ("Petition"),¹ filed in the above-referenced matter on January 20, 2012 by Entercom Communications Corp. ("Entercom"). OAB supports Entercom's Petition, and urges the Commission to initiate a rulemaking proceeding to amend the requirements of Section 73.1216 Licensee-Conducted Contests (the "Contest Rule").

The Contest Rule requires licensees conducting contests to "fully and accurately disclose the material terms of the contest" and to "conduct the contest substantially as announced or advertised." Contest descriptions may not be "false, misleading or deceptive with respect to any material term."² For the purposes of the Contest Rule, "[m]aterial terms include those factors which define the operation of the contest and which affect participation therein."³ The portion of the Contest Rule at issue in the Petition, is Note 2, which requires licensees to publicize the material terms of contests through periodic announcements broadcast on the station conducting the contest.⁴

The Petition proposes to modify Note 2 of the Contest Rule by allowing disclosure of the material terms of contests by either (a) announcements broadcast on the station; or (b) in written

¹ Petition for Rulemaking, In the Matter of Entercom Communications Corp. Petition to Amend Section Sec. 73.1216 Licensee-conducted contests (Jan. 20, 2012).

² 47 C.F.R. § 73.1216.

³ *See id.*

⁴ *See id.*, Note 2.

form on a website and by email, facsimile, mail or in person upon request by the public, provided that the station broadcast periodic announcements of how and where the public can obtain the material terms in written form.⁵ The proposed changes would permit disclosure of material terms on a station's website, or on the website of its state broadcaster's association if the station does not have its own website.⁶

In recognition of the changing ways in which Americans seek out and access information in the 21st Century, and for the following reasons, OAB supports the Petition's proposed amendments to Note 2 to expand the methods available to broadcasters to disseminate contest information to the public. Indeed, the Commission's observation in adopting its online public file rules for television stations—"without imposing any new reporting obligations, it will help bring broadcast disclosure into the 21st Century,"⁷—is applicable here.

First, the proposed changes to the Contest Rule more effectively serve the public by recognizing that, depending on the contest type, there may be better ways to provide detailed contest information and ensure full, accurate and fair disclosure of the material terms of the contest. For example, the current on-air disclosure requirement is a viable option that may work well for disclosure of rules regarding simple contests that do not require consumers to remember complicated information about the material terms of the contest. For this reason, OAB supports continuing to allow stations to choose on-air notification as a disclosure option. However, under the current rule, when stations conduct more complex contests, consumers are forced to endure contest announcements that can be lengthy, difficult to comprehend, and an unwelcome intrusion into their viewing or listening experience. Our member stations often conduct contests that require on-air explanations regarding multiple entry mechanisms, requirements to progress through elimination rounds, or performance of specific complicated tasks in order to enter. In these circumstances, consumers are better served through a written disclosure of the contest rules—particularly when accessible on demand via the Internet—than through periodic on air announcements that may be less effective in communicating important contest information.

Second, as discussed in the Petition, the vast majority of the public now has access to the Internet and has become accustomed to visiting station websites to obtain information regarding an array of subjects. Consumers interact with station websites to obtain current information on everything from news and station programming to restaurant reviews and community events. This interaction is enhanced for consumers by clearly labeled subject fields and search boxes within websites that allow individual consumers to quickly access the information they seek from computers, tablets and mobile devices at any time of day or night. As a result, consumers have come to regard a station's website as a comprehensive resource for information relevant to the station's business activities in the community.

⁵ See Petition at 5.

⁶ See *id.*

⁷ See *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations; Extension of Filing Requirement for Children's Television Programming Report*, Second Report and Order, FCC 12-44, ¶ 1 (Apr. 27, 2012) (hereinafter, "Online Public File Order").

Allowing stations to meet the contest disclosure requirements of Rule 73.1216 by posting detailed contest rules on their website is an efficient means of ensuring that consumers are fully informed about the material terms of the contest. According to Matt Mnich, President and CEO of OAB member, North American Broadcasting Company, Inc.,⁸ “the public will be better informed across the board because it will have access to a full set of rules more easily than under the current rule. Having contest rules available on the web increases accessibility and level of awareness of the rule among contest players.” As an extension of the current rule, the proposed changes would still require stations to make periodic announcements advertising how and where the public can obtain access to the material terms of a contest. If consumers are uninterested or unable to access contest rules via station or state association websites, the proposed changes would allow them to obtain access to contest rules upon request by email, facsimile, mail or in person. Accordingly, full and complete disclosure—the *sine qua non*—of the Contest Rule—would be accomplished through the revised rule. This expansion of options ensures that consumers will be able to access contest information in the format of their choice and is a logical acknowledgment of variety of ways that the public accesses and consumes information.

Third, the Petition’s observation that the Commission has already recognized the prevalence and efficiency of Internet usage in today’s world is undeniable. In August 2012, the Commission’s online public inspection file rule⁹ went into effect requiring television stations to post documents that were formerly retained onsite at each station’s main studio to a Commission hosted website in order to improve public access to this information. Television Stations that maintain websites are required to post links to their online public file. Stations that maintain websites are also required to post their EEO public file reports, if applicable, to their websites.¹⁰ These requirements underscore the Commission’s understanding of the reality that the public has come to expect station websites to be a central resource to obtain information concerning the station’s business operations.

The Commission itself has embraced the Internet as a means of conducting its own business operations and communicating with the public. Online databases such as ECFS,¹¹

⁸ North American Broadcasting Company is the licensee of three radio stations in Columbus Ohio.

⁹ See *Online Public File Order*. At this time, the online public file rules apply only to television stations. Letters and emails from the public and political file materials that were in existence before August 2, 2012, the effective date of the new rules, are exempted from the online public file requirement and are to be maintained locally for the required duration. As of August 2, 2012, television stations are required to post new public file material to the online public file, except that new political file material is only required to be posted online for ABC, CBS, Fox, and NBC affiliated stations in the top fifty markets. All television stations will be required to post political file material online as of July 1, 2014.

¹⁰ See 47 C.F.R. § 73.2080(c)(6).

¹¹ See Electronic Comment Filing System, available at <http://apps.fcc.gov/ecfs/>.

CDBS¹² and ULS¹³ are already the required means for licensees to submit electronic filings in many instances. In turn, the public can access some documents filed through these systems at their convenience by inputting relevant search terms into the databases. In fact, members of the public interested in this rulemaking proceeding can simply click on the Commission's website to access everything from general information about how the rulemaking process works,¹⁴ to specific documents filed in this proceeding.¹⁵ Allowing stations to disclose the material terms of contests to consumers through station website is a reasonable extension of the Commission's existing approach to the use of the Internet to meet consumer desires and expectations for obtaining information.

With regard to the Petition's proposal to allow state broadcaster association websites to post station contest rules, OAB has not made a determination regarding the use of OAB's website capabilities for this purpose. However, OAB has no objection to the inclusion of the proposed language in the amended Contest Rule and will examine the issue more fully if this proceeding moves forward.

For the reasons stated above, OAB respectfully urges the Commission to promptly issue a Notice of Proposed Rulemaking to formally initiate the rulemaking process to implement the proposed changes to the Contest Rule as requested in the Petition.

Respectfully submitted,



Tom Griesdom
Chairman, Board of Directors
Ohio Association of Broadcasters

¹² See Consolidated Database System, available at http://licensing.fcc.gov/prod/cdb/pubacc/prod/cdb_pa.htm.

¹³ See Universal Listing System, available at <https://wireless2.fcc.gov/ULsEntry/licManager/login.jsp>.

¹⁴ See "Rulemaking Process at the FCC" available at <http://www.fcc.gov/encyclopedia/rulemaking-process-fcc>.

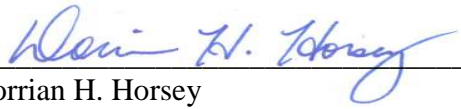
¹⁵ See Petition and filed comments available at <http://apps.fcc.gov/ecfs/>. Documents can be retrieved by selecting the option to "Search for Proceedings" and typing in the Rulemaking number, 11684.

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing document was deposited in the United States Mail, first-class postage prepaid, and addressed as follows:

John C. Donlevie
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Entercom Communications Corp.
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This the 19th day of December, 2012.



Dorrian H. Horsey